

MAINE STATE LEGISLATURE

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Date 6/13/23

(Filing No S-295)

MINORITY

ENERGY, UTILITIES AND TECHNOLOGY

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STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S P 570, L D 1452, "An Act to Require the Commissioners of the Public Utilities Commission to Be Popularly Elected"

Amend the bill by striking out the title and substituting the following

'An Act to Require Certain Commissioners of the Public Utilities Commission to Be Popularly Elected'

Amend the bill by striking out everything after the enacting clause and inserting the following

Sec. 1. 2 MRSA §6-A, sub-§5, as amended by PL 1989, c 502, Pt A, §4 and PL 2007, c 58, §3, is further amended to read

5. Retirement contribution. The State shall pay the mandatory retirement contribution required by Title 5, section 17701, for commissioners who elect to become members of the Maine Public Employees Retirement System Payment shall must be made as provided in Title 5, section 17702 A commissioner may elect at the time of election or appointment to receive a 5% salary increase instead of state payment of the retirement contribution

Membership in the Maine Public Employees Retirement System is optional

Sec. 2. 21-A MRSA §1, sub-§27-C, ¶B-1 is enacted to read

B-1 General elections for members of the Public Utilities Commission in accordance with Title 35-A, section 105, subsection 1-A,

Sec. 3. 21-A MRSA §8 is enacted to read

§8. Elections of member of Public Utilities Commission

The Secretary of State, in accordance with this section, shall adopt rules governing the administration of elections of the 2 members of the Public Utilities Commission required to be elected under Title 35-A, section 105, subsection 1-A

COMMITTEE AMENDMENT

- 1 1. Age. A person under 21 years of age may not be a candidate for election as a member
- 2 of the Public Utilities Commission
- 3 2. District. One member must be elected from each congressional district as described
- 4 in section 1205-A, and the member must reside in the district the member is elected to
- 5 represent
- 6 3. Nonpartisan. The elections must be conducted in a nonpartisan manner without
- 7 party primaries Nominations are by petition in accordance with section 354 Rules
- 8 adopted by the Secretary of State must provide a fair process for limiting the number of
- 9 candidates nominated for each commissioner position to no more than 3
- 10 4. Clean elections. Candidates are eligible for election funding in accordance with
- 11 chapter 14
- 12 5. Ranked-choice voting. In accordance with section 1, subsection 27-C, the elections
- 13 are determined by ranked-choice voting
- 14 Rules adopted pursuant to this section are routine technical rules as defined by Title 5,
- 15 chapter 375, subchapter 2-A
- 16 **Sec. 4. 21-A MRSA §354, sub-§5, ¶G,** as enacted by PL 1985, c 161, §6, is
- 17 amended to read
- 18 G For a candidate for State Representative, at least 50 and not more than 80 voters,
- 19 and
- 20 **Sec. 5. 21-A MRSA §354, sub-§5, ¶H,** as enacted by PL 1985, c 161, §6, is
- 21 amended to read
- 22 H For a candidate for county charter commission member, at least 50 and not more
- 23 than 80 voters-, and
- 24 **Sec. 6. 21-A MRSA §354, sub-§5, ¶I** is enacted to read
- 25 I For a candidate for Public Utilities Commission member, the same number of voters
- 26 as required for a candidate for United States Representative under paragraph D
- 27 **Sec. 7. 21-A MRSA §723-A, sub-§4, ¶A,** as amended by PL 2019, c 320, §14, is
- 28 further amended to read
- 29 A The number of allowable rankings may be limited to no fewer than 5, except as
- 30 provided in section 8 for elections of members of the Public Utilities Commission
- 31 **Sec. 8. 21-A MRSA §1122, sub-§6,** as enacted by IB 1995, c 1, §17, is amended
- 32 to read
- 33 **6. Participating candidate.** "Participating candidate" means a candidate who is
- 34 running for Governor, State Senator or, State Representative or member of the Public
- 35 Utilities Commission who is seeking to be certified as a Maine Clean Election Act
- 36 candidate under section 1125, subsection 5
- 37 **Sec. 9. 21-A MRSA §1124, sub-§1,** as enacted by IB 1995, c 1, §17, is amended
- 38 to read
- 39 **1. Established.** The Maine Clean Election Fund is established to finance the election
- 40 campaigns of certified Maine Clean Election Act candidates running for Governor, State

1 Senator and, State Representative and the Public Utilities Commission and to pay
 2 administrative and enforcement costs of the commission related to this Act The fund is a
 3 special, dedicated, nonlapsing fund and any interest generated by the fund is credited to the
 4 fund The commission shall administer the fund

5 **Sec. 10. 21-A MRSA §1125, sub-§8-E, ¶A**, as enacted by IB 2015, c 1, §25, is
 6 amended to read

7 A For gubernatorial candidates and candidates for the Public Utilities Commission,
 8 no earlier than October 15th of the year before the year of the election and no later than
 9 3 weeks before election day, and

10 **Sec. 11. 21-A MRSA §1125, sub-§8-G** is enacted to read

11 **8-G. Distributions to certified Public Utilities Commission candidates**
 12 Distributions from the fund to certified candidates for the Public Utilities Commission must
 13 be made as follows

14 A For an uncontested general election, the total distribution of revenues is 50% of the
 15 amount described in subsection 8-B, paragraph C, per candidate

16 B For a contested general election, the amount of revenues distributed is as follows

17 (1) The initial distribution of revenues is 50% of the amount described in
 18 subsection 8-B, paragraph D, subparagraph (1), per candidate,

19 (2) For each increment of 1,200 additional qualifying contributions a candidate
 20 collects and submits pursuant to subsection 8-E, not to exceed a total of 9,600
 21 additional qualifying contributions, the supplemental distribution of revenues to
 22 that candidate is 50% of the amount described in subsection 8-B, paragraph D,
 23 subparagraph (2), and

24 (3) The total amount of revenues distributed for a contested general election may
 25 not exceed 50% of the amount described in subsection 8-B, paragraph D,
 26 subparagraph (3), per candidate

27 **Sec. 12. 35-A MRSA §105**, as enacted by PL 1987, c 141, Pt A, §6, is amended
 28 to read

29 **§105 Appointment, election and term**

30 **1. Appointment.** The Governor shall appoint 3 members to the Public Utilities
 31 Commission The appointments ~~shall be~~ are subject to review by the joint standing
 32 committee of the Legislature having jurisdiction over public utilities matters and to
 33 confirmation by the Legislature Members of the commission shall devote full time to their
 34 duties

35 **1-A. Election** In addition to the 3 members appointed pursuant to subsection 1,
 36 beginning in 2026, the Public Utilities Commission includes 2 members elected in
 37 accordance with Title 21-A, section 8

38 Members of the commission elected in accordance with this subsection shall devote full
 39 time to their duties

40 **2. Term.** The commissioners shall serve for terms of 6 years

COMMITTEE AMENDMENT "A" to S P 570, L D 1452 (5-295)

1 A ~~Each~~ For members appointed in accordance with subsection 1, each term shall end
2 ends on March 31st of the 6th year of the term The terms shall must be staggered so
3 that one ends in 1987 and every 6 years thereafter, one ends in 1989 and every 6 years
4 thereafter, and one ends in 1991 and every 6 years thereafter

5 A-1 For members elected in accordance with subsection 1-A, each member's term is
6 6 years from the day next preceding the first Wednesday in December following the
7 general election

8 B A commissioner may continue to serve beyond the end of ~~this~~ the commissioner's
9 term until a successor is elected or appointed and qualified

10 C Any vacancy occurring in the commission shall must be filled by appointment for
11 the unexpired portion of the term

12 D A member elected in accordance with subsection 1-A who, due to a
13 reapportionment under Title 21-A, section 1206, no longer lives in the district that the
14 member represents may continue to serve until the end of the member's term

15 **Sec. 13. 35-A MRSA §108-A, first ¶**, as enacted by PL 1993, c 36, §2, is amended
16 to read

17 A majority of the duly elected and appointed commissioners constitutes a quorum and
18 the act or decision of a majority of commissioners present, if at least a quorum is present,
19 is the act or decision of the commission in any formal proceeding before the commission

20 **Sec. 14. First election.** The first election of 2 members of the Public Utilities
21 Commission must occur at the general election in 2026

22 **Sec. 15. Staggered term.** Notwithstanding the Maine Revised Statutes, Title 35-A,
23 section 105, subsection 2, the member of the Public Utilities Commission elected in
24 November 2026 to represent the First District, as defined in Title 21-A, section 1205-A,
25 subsection 1, shall serve a 4-year term

26 **Sec. 16. Appropriations and allocations.** The following appropriations and
27 allocations are made

28 **ETHICS AND ELECTION PRACTICES, COMMISSION ON GOVERNMENTAL**
29 **Governmental Ethics and Election Practices - Commission on 0414**

30 Initiative Provides allocations for increased expenditures related to Public Utilities
31 Commissioner public elections

32	OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
33	All Other	\$0	\$1,200,000
34			
35	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$1,200,000</u>

36
37 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
38 number to read consecutively

COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the bill and changes the title It establishes 2 additional members of the Public Utilities Commission, one for each congressional district, and directs the Secretary of State to adopt rules governing the administration of elections for these members Elections for members of the commission are nonpartisan and determined by ranked-choice voting Nominations are determined by a petition signed by voters of the congressional district that the candidate will represent, and candidates are eligible for Maine Clean Election Act funding Elected members will serve 6-year terms The first election of members must occur in the general election in 2026, and the member elected to represent the First District, as defined in the Maine Revised Statutes, Title 21-A, section 1205-A, subsection 1, will serve a 4-year term

FISCAL NOTE REQUIRED

(See attached)



131st MAINE LEGISLATURE

LD 1452

LR 2280(02)

An Act to Require the Commissioners of the Public Utilities Commission to Be Popularly Elected

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-295)
 Committee: Energy, Utilities and Technology
 Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$0	\$1,200,000	\$2,800,000	\$0
Appropriations/Allocations				
Other Special Revenue Funds	\$0	\$1,200,000	\$2,800,000	\$498,594
Revenue				
Other Special Revenue Funds	\$0	\$0	\$0	\$498,594
Transfers				
General Fund	\$0	(\$1,200,000)	(\$2,800,000)	\$0
Other Special Revenue Funds	\$0	\$1,200,000	\$2,800,000	\$0

Referendum Costs	Month/Year	Election Type	Question	Length
	Nov-26	General	Election	Standard

The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general election in November. If the number or size of the referendum questions requires production and delivery of a second ballot, an additional appropriation of \$266,000 may be required.

Fiscal Detail and Notes

This bill establishes 2 additional members of the Public Utilities Commission (PUC) and directs that these members are elected instead of appointed. The bill also provides that candidates for these elections are eligible for funding under the Maine Clean Elections Act (MCEA). Under current statute, the Commission on Governmental Ethics and Election Practices may request additional funding in the form of a transfer from the unappropriated surplus of the General Fund if the number of candidates qualifying for funding under the MCEA exceeds the funding available. The bill includes a transfer and allocation of \$1,200,000 in the fiscal year 2024-25 and estimates an additional transfer and allocation of \$2,800,000 will be required in fiscal year 2025-26 for additional candidates running for the elected PUC Commissioner positions. The PUC will require allocations of \$498,594 starting in the fiscal year 2026-27 for the salary and benefits related to the 2 additional positions once they are elected.